IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10786 of 1998

Between:

Degala Pullayya s/o Bhagyya
The Fisherman Co-operative Society Limited , No. C- 75 ,
Near Rama Theatres , Amalapuram .

..... PETITIONER

AND

1 Special Secretary to Roads & Buildings ,
Secretariat , Hyderabad
2 The Engineer in Chief (Roads & Buildings)
Erramanzil , Hyderabad
3 The Executive Engineer Roads & Buildings
Amalapuram , E.G District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order one in the nature of Writ of Mandamus directing the respondents to return the Earnest Money Deposit of
Rs.1,42,000/- (one lakh fourty two thousand rupees) and to pay the balance 1/4th bid amount of Rs. 2,55,500/- (Two Lakh fifty five thousand five hundred only) with interest at the rate of 24% p.a. from the date of the deposit till the payment by holding that the action of the respondent in not confirming the auction held in favour of the petitioner on 27-1-98 even after two months of the auction as illegal , unjust , arbitrary, without jurisdiction bad in the eye of the law and also in violation of the principles of natural justice.

Counsel for the Petitioner: MR.K.GANI REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

By this writ petition the petitioner seeks a direction to the respondents to return the earnest money deposit of Rs.1,42,000/- and to pay the balance 1/4th bid amount of Rs.2,55,500/- with interest at the rate of 24% per annum from the date of deposit till the date of payment, by holding that the action of the respondents in not confirming the auction held in favour of the petitioner on 27-01-1998 even after two months of the auction, as illegal and arbitrary.

The learned Government Pleader, reiterating the averments in the counter-affidavit filed by the second respondent, submitted that the Government issued orders confirming the lease for collection of toll at Kakinada-Amalapuram-Narasapuram ferry road in favour of the petitioner Fishermen Co-operative Society Limited, and the petitioner took over the ferry on 01-05-1998 and was running the same. The lease expired by
31-03-1999 A.N. Therefore, nothing survives in the writ petition.

In view of the above submission of the leaned Government Pleader, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J

Date: 11-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Special Secretary to Roads & Buildings ,
Secretariat , Hyderabad
2 The Engineer in Chief (Roads & Buildings)
Erramanzil , Hyderabad
3 The Executive Engineer Roads & Buildings
Amalapuram , E.G District.

4 Two CCs. to the Government Pleader for Roads & Buildings, High Court Buildings, A.P., Hyderabad (OUT).

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